



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket Number : 970113R/HG
First Named Inventor : Tomio KIMURA
Application Number : 09/678,218
Filing Date : September 29, 2000
Art Unit : 1626
Examiner Name : L. Stockton

**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)**

We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior declarations submitted in this application, arose without any deceptive intention on the part of the applicants. This statement is made after consideration of the claim amendments set forth in the amendment which will be filed concomitant with the filing of this Declaration.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Tomio Kimura
Tomio KIMURA

Date: August 3, 2005

Yasuo Noguchi
Yasuo NOGUCHI

Date: August 22, 2005

Akira Nakao
Akira NAKAO

Date: August 9, 2005

Keisuke Suzuki
Keisuke SUZUKI

Date: August 9, 2005

Shigeru Ushiyama
Shigeru USHIYAMA

Date: August 8, 2005

Akihiro Kawara

Akihiro KAWARA

Date: August 18, 2008

Masaaki Miyamoto

Masaaki MIYAMOTO

Date: August 5, 2008



ATTACHMENT

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Appl. No. : 09/678,218

Applicant : Tomio KIMURA et al

Filed : September 29, 2000

Art Unit : 1626

Examiner : Laura STOCKTON

Docket No. : 970113R/HG

Customer No.: 01933

Confirm. No.: 7523

**STATEMENT OF STATUS OF CLAIMS AND
SUPPORT FOR CLAIM CHANGES 37 CFR 1.173(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This statement sets forth the status of all claims and provides an explanation of the support for claim changes set forth in the RESPONSE AND AMENDMENT to which this paper is an Attachment. In summary, in the RESPONSE AND AMENDMENT, claims 14, 15, 24, 29, 32, 33, 41, 43 52, 61 and 79-87 are cancelled; and claims 13, 28, 31 and 40 are amended. No other claims are presently amended. Other claims were amended in earlier papers. The status of claims follows:

**STATUS OF CLAIMS AND EXPLANATION
OF SUPPORT FOR AMENDED CLAIMS**

Claim 1 (Cancelled) .

Claim 2 (Cancelled) .

Claim 3 (Cancelled) .

Claim 4 (Cancelled) .

Claim 5 (Cancelled) .

Claim 6 (Cancelled) .

Claim 7 (Cancelled) .

Claim 8 (Cancelled) .

Claim 9 (Cancelled) .

Claim 10 (Cancelled) .

Claim 11 (Cancelled) .

Claim 12 (Cancelled) .

Claim 13 (Pending) - presently amended. Claim 13 is amended by replacing the broad definition of the compounds set forth in the third amendment of claim 13, with a Markush group of eight compounds and a pharmaceutically acceptable salt of said compounds. Said eight compounds are the eight compounds, identified in patent claims 16-23 respectively. (The same eight compounds are identified in presently amended claims 28, 31 and 40.) Whereas in the present amendment, claim 13 is limited in the definition of the compounds, claim 13 is broadened by reciting the pharmaceutically acceptable salt of said compounds. Patent claim 13 depends from patent claim 1 which defines the compounds broadly and in the last line recites "or a pharmaceutically acceptable salt thereof". Accordingly, amended claim 13 is within the scope of and supported by patent claim 1.

Claim 14 (Cancelled) - by the present amendment.

Claim 15 (Cancelled) - by the present amendment.

Claim 16 (Pending) - no change.

Claim 17 (Pending) - no change.

Claim 18 (Pending) - no change.

Claim 19 (Pending) - no change.

Claim 20 (Pending) - no change.

Claim 21 (Pending) - no change.

Claim 22 (Pending) - no change.

Claim 23 (Pending) - no change.

Claim 24 (Cancelled) - by the present amendment.

Claim 25 (Cancelled).

Claim 26 (Cancelled).

Claim 27 (Cancelled).

Claim 28 (Pending) - presently amended. Method claim 28 is amended by replacing the broad definition of compounds with a Markush listing of the eight compounds which are individually recited in claims 44-51 which depend from claim 28. (The same

eight compounds are identified in amended claims 13, 31 and 40.) Method claim 28 as amended is also supported by patent claim 30 which specifies the same method steps and which identifies said eight compounds.

Claim 29 (Cancelled) - by the present amendment.

Claim 30 (Cancelled) .

Claim 31 (Pending) - presently amended. Method claim 31 is amended by replacing the broad definition of compounds with a Markush listing of the eight compounds which individually recited in claims 53-60 which depend from claim 31. (The same eight compounds are identified in amended claims 13, 28 and 40.) Method claim 31 as amended is also supported by patent claim 34 which depends from patent claim 31 and which identifies said eight compounds.

Claim 32 (Cancelled) - by the present amendment.

Claim 33 (Cancelled) - by the present amendment.

Claim 34 (Cancelled) .

Claim 35 (Pending) - no change.

Claim 36 (Pending) - no change.

Claim 37 (Pending) - no change.

Claim 38 (Cancelled).

Claim 39 (Cancelled).

Claim 40 (Pending) - presently amended. Method claim 40 is amended by replacing the broad definition of compounds with a Markush listing of the eight compounds which are individually recited in claims 71-78 which depend from claim 40. (The same eight compounds are identified in amended claims 13, 28 and 31.) Method claim 40 as amended is also supported by patent claim 42 which specifies the same method steps and which identifies said eight compounds.

Claim 41 (Cancelled - by the present amendment.

Claim 42 (Cancelled).

Claim 43 (Cancelled) - by the present amendment.

Claim 44 (Pending) - no change.

Claim 45 (Pending) - no change.

Claim 46 (Pending) - no change.

Claim 47 (Pending) - no change.

Claim 48 (Pending) - no change.

Claim 49 (Pending) - no change.

Claim 50 (Pending) - no change.

Claim 51 (Pending) - no change.

Claim 52 (Cancelled) - by the present amendment.

Claim 53 (Pending) - no change.

Claim 54 (Pending) - no change.

Claim 55 (Pending) - no change.

Claim 56 (Pending) - no change.

Claim 57 (Pending) - no change.

Claim 58 (Pending) - no change.

Claim 59 (Pending) - no change.

Claim 60 (Pending) - no change.

Claim 61 (Cancelled) - by the present amendment.

Claim 62 (Pending) - no change.

Claim 63 (Pending) - no change.

Claim 64 (Pending) - no change.

Claim 65 (Pending) - no change.

Claim 66 (Pending) - no change.

Claim 67 (Pending) - no change.

Claim 68 (Pending) - no change.

Claim 69 (Pending) - no change.

Claim 70 (Pending) - no change.

Claim 71 (Pending) - no change.

Claim 72 (Pending) - no change.

Claim 73 (Pending) - no change.

Claim 74 (Pending) - no change.

Claim 75 (Pending) - no change.

Claim 76 (Pending) - no change.

Claim 77 (Pending) - no change.

Claim 78 (Pending) - no change.

Claim 79 (Cancelled) - by the present amendment.

Claim 80 (Cancelled) - by the present amendment.

Claim 81 (Cancelled) - by the present amendment.

Claim 82 (Cancelled) - by the present amendment.

Claim 83 (Cancelled) - by the present amendment.

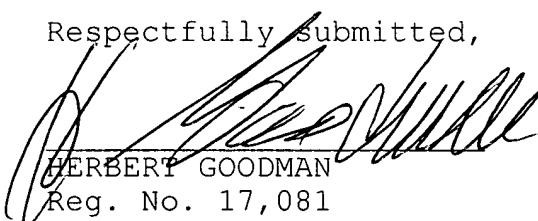
Claim 84 (Cancelled) - by the present amendment.

Claim 85 (Cancelled) - by the present amendment.

Claim 86 (Cancelled) - by the present amendment.

Date: August 29, 2005

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Ave., 16th floor
New York, NY 10001-7708
Telephone: (212) 319-4900
Facsimile: (212) 319-51

Respectfully submitted,

HERBERT GOODMAN
Reg. No. 17,081